


GSA POLICY AND PROCEDURE

SUBJECT: GSA Policy and Procedure for Addressing Domestic Violence, Sexual Assault and Stalking in the Workplace

1. Purpose. This directive provides GSA's policy and procedure for addressing domestic violence, sexual assault, and stalking in the workplace.
2. Background. On February 8, 2013, the Office of Personnel Management (OPM) issued guidance to Federal agencies in the development of policy on domestic violence, sexual assault, and stalking in response to a Presidential Memorandum issued by President Barack Obama to the Heads of Executive Agencies for Establishing Policies for Addressing Domestic Violence in the Federal Workplace dated April 18, 2012. The OPM Guidance for Agency-Specific Domestic Violence, Sexual Assault, and Stalking Policies provides agencies with direction enabling them to fulfill the goals identified in the Presidential Memorandum, and have been incorporated into this directive as prescribed.
3. Policy. GSA recognizes that domestic violence, sexual assault, and stalking, hereinafter referred to a "domestic violence," could affect the workplace. It is the policy of GSA:
 - a. To enhance workplace awareness and capacity to create a supportive, safe work environment for victims of domestic violence and their fellow employees;
 - b. To institutionalize responsive policies and procedures to assist employees who are impacted by domestic violence, including the provision of training on this policy and its procedures to employees and management;
 - c. To provide immediate assistance to victims, including information and referrals to community resources; and

d. To take appropriate action toward employees who are perpetrators of domestic violence.

4. Scope and Applicability. The provisions of this policy, apply to all GSA organizational components, except the Office of Inspector General (OIG) where the OIG has separate authority, has adopted its own policy, or the GSA policy is not applicable. Implementation of this policy, however, with respect to GSA employees represented by a labor organization is contingent upon completion of appropriate labor relations obligations. This policy is not intended to, and does not; create any right or benefit, substantive or procedural, enforceable by law or in equity by any party against GSA, or entities, its officers, employees, or agents, or any other person.



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Date

CPO 9700.5, GSA Policy and Procedures for Addressing Domestic Violence, Sexual Assault and Stalking in the Workplace

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CHAPTER 1. POLICY

1-1. Statement of purpose. GSA policy does not tolerate violence, threats, harassment, intimidation, or other disruptive behavior in the workplace. GSA will work to address any occurrence of domestic violence by providing training, support, and information for community resources to its employees. Domestic violence is a serious problem that affects all walks of life. Incidents of domestic violence can cross economic, educational, cultural, age, gender, racial, and religious lines, and may occur in intimate relationships such as marital, cohabiting, or dating, as well as non-intimate relationships such as with a coworker, a supervisor, or a stranger. It can adversely affect the well-being and productivity of employees who are victims, as well as co-workers. Other effects of domestic violence in the workplace include increased absenteeism, turnover, reduced productivity, and additional health care costs. Above all, each victim presents unique circumstances that should be addressed with respect and sensitivity by GSA personnel. This directive identifies the policy and procedures to address victims of domestic violence in the workplace.

1-2. Responsibilities.

a. Heads of Services and Staff Offices will:

(1) Assign responsibility within their respective organizations and throughout their geographical locations, a primary point of contact for policy implementation, monitoring, evaluating, and reporting on progress. Each fiscal year, the assigned POC from each of the organizational component within GSA will be required to submit an Annual Review Checklist (Appendix B) covering the reporting period of October 1 to September 30 to the Office of Chief People Officer (OCPO), Office of Human Capital Management (CH); and

(2) Designate a POC to participate on multi-disciplinary Domestic Violence Incident Response Teams (IRT) established by the Office of Mission Assurance (OMA) within each regional location including Central Office to develop reporting procedures that provide an effective, confidential, and accessible way for employees to report incidents and concerns;

b. The Office of Chief People Officer (OCPO) will:

(1) Provide advice to designated POCs on the submission of the annual review checklist, and prepare the agency's consolidated report for submission to OPM as required;

(2) Provide advice and guidance to management officials, supervisors, and employees regarding domestic violence, and maintaining confidentiality;

(3) Participate in domestic violence training for GSA supervisors and employees;

(4) Participate at the local level on Domestic Violence Incident Response Teams;

(5) Provide technical expertise and consultation to help supervisors determine what course of administrative action is most appropriate in a specific domestic violence situation. This includes working with employees, Security Force, the Office of General Counsel (OGC), Office of Inspector General (OIG), union representative, EAP, local law enforcement, and community domestic violence programs, if appropriate, to develop a workplace safety plan (Appendix C) to minimize the risk to the victim, other employees, and clients. Refer to Appendix D for more community resources;

(6) Work with supervisors and managers to grant leave, adjust work schedules, or maintain continued employment to the extent possible for employees who are victims of domestic violence, if appropriate;

(7) Help supervisors determine the proper reasonable accommodation for employees with a known disability as a result of domestic violence, if applicable; and

(8) Determine whether sufficient evidence exists to justify taking disciplinary action once the investigation of any misconduct is complete for perpetrators of domestic violence by GSA employees.

c. The Office of Mission Assurance (OMA), Office of Security will:

(1) Provide and/or participate in GSA's domestic violence training program;

(2) Ensure the Security force is properly trained and equipped to effectively deter, prevent, or respond to acts of, threats and/or actual incidents of domestic violence that may impact the workplace;

(3) Establish local multi-disciplinary Domestic Violence IRT. Each IRT shall be responsible for developing plans as described in Chapter 2-2, that address facility concerns, and specify who should respond to incidents depending on the nature of the offense;

(4) Participate in the development of the workplace safety plan in consultation with the victim;

(5) Keep management advised of any potential risks of acts of violence, or threats to employee safety, and any actual incidents or events;

(6) Coordinate with the Federal Protective Service (FPS) or local Law Enforcement (as applicable), to address and/or recommend appropriate security measures to be implemented;

(7) Work closely with management, OCPO, OGC, and other appropriate staff (e.g. EAP, law enforcement etc.) to provide a safe haven, consultation, and assistance to employees who are victims of domestic violence;

(8) Provide OCPO all relevant data for the Annual Review Checklist (Appendix B) as required; and

(9) Ensure the proper procedures are identified and instituted to address both “prevention” and “response” for any incidents related to domestic violence that may impact the workplace.

d. Manager’s and supervisor’s will:

(1) Ensure that all of their employees participate in training on domestic violence;

(2) Ensure that all of their employees are fully informed of and understand GSA workplace domestic violence policy and procedure;

(3) Be responsive when an employee who is either the victim or the perpetrator of domestic violence asks for help. Immediately contact the human resources (HR) staff, security, and/or the EAP for assistance, if appropriate;

(4) Be aware of physical or behavioral changes in employees, and consult HR, security, and/or EAP for advice. Do not attempt to diagnose the employee;

(5) Maintain confidentiality. Information about the employee should only be given to others on a need-to-know basis;

(6) Work with the employee, HR, security and EAP, as appropriate, to assess the need for and develop a workplace safety plan (See Appendix C);

(7) Determine if employees or the workplace are at risk, take appropriate measures to secure the workplace, and provide protection as appropriate. However, managers and supervisors have no authority or control outside of the workplace and should refer the employee to outside resources for assistance with their personal safety plan;

(8) Adjust employee’s work schedule and/or grant leave after consultation with HR, if the employee needs to take time off for medical assistance, legal assistance, court appearances, counseling, relocation, or to make other necessary arrangements to create a safe situation (See Chapter 2-3, Workplace Flexibilities);

(9) Take appropriate corrective disciplinary action against employees after consultation with HR who: misuse GSA resources to perpetrate domestic violence;

harass, threaten, or commit an act of domestic violence in the workplace while conducting GSA business; or are arrested, detained, convicted and/or issued a permanent injunction as a result of domestic violence where that action prevents, or impacts the employee's ability to perform the duties of his/her position;

(10) Notify OIG when allegations of domestic violence involves employees who misuse GSA resources to perpetrate domestic violence, harass, threaten, or commit an act of domestic violence in the workplace while conducting GSA business; or are arrested, detained, convicted or issued a permanent injunction as a result of domestic violence where that action prevents, or impacts the employee's ability to perform the duties of his/her position; and

(11) Honor all civil protection or restraining orders on behalf of the GSA, in consultation with HR, OGC and security.

1-3. Responding to victims and enhancing workplace safety. GSA's policy is to offer appropriate and timely support to employees to address violence in the workplace. Workplace support, as elaborated in further detail below, will be available to employees who are victims of domestic violence in order to minimize the impact of violence on the victim and others in the workplace and to facilitate victim and workplace safety. The GSA is committed to making these supportive resources available to victims who disclose incidents of domestic violence through supervisors, designated persons in HR, security, or other persons designated by GSA, including the agency's EAP.

1-4. Confidentiality. GSA recognizes and respects an employee's right to privacy and the need for confidentiality and autonomy. GSA shall maintain the confidentiality of an employee's disclosure regarding domestic violence to the extent permitted by law and unless to do so could result in physical harm to any person and/or jeopardize safety within the workplace. When information must be disclosed to protect the safety of individuals within the workplace, GSA shall limit the breadth and content of such disclosure to information reasonably necessary to protect the safety of the disclosing employee and others and to comply with the law. GSA shall make every effort to provide advance notice to the employee who disclosed information if the disclosure must be shared with other parties in order to maintain safety in the workplace or elsewhere. GSA shall also provide the employee with the name and title of the person(s) to whom GSA intends to share the employee's statements, and shall explain the necessity and purpose regarding said disclosure.

1-5. Protection and restraining orders. If a victim chooses to disclose the existence of a protection or restraining order to GSA management, GSA's policy is to assist the employee to enforce his or her order within the workplace. Such assistance does not create an actionable duty or indicate acceptance by GSA of the jurisdiction of the court issuing the order. It may be necessary to consult with the HR, OGC, and security regarding this assistance.

1-6. Use of workplace flexibilities. Various types of workplace flexibilities are available to an employee when the employee and/or the employee's family member(s) are victims

of domestic violence. To the greatest extent possible, GSA will work with the employee to provide leave and/or other workplace flexibilities. When the need for time off is foreseeable, an employee must provide reasonable advance notice in accordance with leave procedures. Depending on the circumstances, there are a number of policies and programs described below in more detail that may be useful for providing a safe work environment.

1-7. Addressing victim's work performance and conduct. Once a supervisor becomes aware that a victim suffers from declining performance or conduct issues that may be the result of domestic violence (e.g., an employee may be charged with AWOL for absences arising from domestic violence), the victimized employee should be referred to resources within GSA for support and assistance. In addition, the impact of domestic violence should be taken into consideration as a mitigating factor in determining any appropriate discipline in misconduct cases involving a victim. It is important to work to make sure that workplace policies do not re-victimize victims to the extent possible, while maintaining appropriate workplace standards. Supervisors should consult HR and/or OGC for further guidance.

1-8. Sexual harassment. In situations where the perpetrator and the victim work for the same employer, any harassment, assault or stalking that occurs at or during work could violate Title VII. Procedures for reporting sexual harassment can be found in the sexual harassment policy, [ADM 2325.5 \(General Services Administration policy statement on harassment, including sexual harassment and sexual misconduct\)](#).

1-9. Non-retaliation and non-discrimination. As per the GSA's EEO Policy, no applicant or employee will be denied equal employment opportunity because of race, color, religion, national origin, sex, gender identity, age, disability (physical or mental), genetic information, status as a parent, sexual orientation, marital status, political affiliation, or any other non-merit factor. In addition, GSA will maintain policies to allow all employees to work in an environment that is free from discrimination and harassment and in which employees may exercise their rights without fear of reprisal. Federal and GSA's EEO policy may apply to employment situations involving applicants and employees who experience domestic or dating violence, sexual assault, or stalking or disclose a concern regarding violence impacting the workplace to any GSA employee or contractor. However, whether discrimination has actually occurred in a particular instance must be determined through an investigation of the facts alleged. For information about how the equal employment opportunity laws may apply to a situation of domestic violence, please see the Equal Employment Opportunity Commission's publication on "Questions and Answers: The Application of Title VII and the ADA to Applicants or Employees who Experience Domestic or Dating Violence, Sexual Assault, or Stalking", at www.eeoc.gov.

1-10. Contractors. GSA's workplace also includes contractor employees of vendors. Such personnel are not GSA employees. Executive Order 11246, as amended, sets requirements for Federal contractors on non-discriminatory practices and prohibits contractors from discriminating against their employees on the basis of sex, including by engaging in or allowing their employees to engage in sexual harassment. Contractors

are also required to comply with Title VII of the Civil Rights Act of 1964, including its prohibition on sex discrimination. Prohibited behavior could occur in conjunction with domestic violence.

CHAPTER 2. GENERAL PROVISIONS

2-1. Early intervention. Except when those involved in domestic violence are co-workers, most incidents are perpetrated by individuals outside the agency. There will, however, be early warning signs that this type of violence is escalating outside the workplace. The victim may show symptoms such as increased fear, emotional episodes, and /or signs of physical injury. Victims, as well as perpetrators, may also show signs of work performance deterioration. By intervening promptly when the early warning signs occur, even though violence may not yet have been committed at work, a serious incident may be prevented.

a. Domestic violence can also manifest itself in the workplace. An abused employee may receive:

- (1) Harassing or repeated phone calls or faxes;
- (2) Unwelcome notes left on their car and/or;
- (3) Unplanned or unannounced visits at worksite.

They may also be:

- (4) Stalked;
- (5) Physically assaulted; or
- (6) Murdered.

b. Effects of Domestic Violence. Domestic violence usually occurs outside of the context of the workplace, but the effect of some of its manifestations can impact work performance including:

- (1) Sleep deprivation;
- (2) Physical injuries that impact on an individual's ability to perform his/her job and/or;
- (3) Heightened anxiety levels.

c. Response involving domestic violence.

(1) For situations that may pose imminent danger, such as if the perpetrator shows up at workplace with the intent of harming the employee and any others, the following procedures should be followed in responding to the immediate crisis:

(a) Call 911 and other appropriate emergency contacts (such as Federal Protective Service) for that particular facility, particularly if the situation requires immediate medical attention and/or law enforcement personnel.

(b) Remain calm and notify the supervisor.

(c) Secure your personal safety first. Leave the area if safety is at risk.

(d) Cooperate with the security and law enforcement personnel when they have responded to the situation.

(2) Options for Employees who are Victims of Domestic Violence:

(a) Talk with a trusted co-worker, supervisor, [union representative], or manager about the situation.

(b) Contact the Employee Assistance Program (EAP) office. See Chapter 2, para.9 for more information.

(c) Contact the National Domestic Violence Hotline at (800) 799-SAFE or other resources listed on Appendix D.

(d) Call the local police if you are in immediate danger.

(e) Notify the supervisor of the possible need to be absent and find out about flexible workplace and leave options. Be clear about return to work plans and maintain communications with the supervisor during any absence(s).

(f) If you are concerned about safety at work, submit a recent photograph of the abuser and a copy of any protection order to the supervisor, the legal office, Security, and the police department. This will assist GSA personnel in identifying the abuser should he/she appear in the workplace.

(g) Work with the supervisor, HR, Security, EAP, or [union representative] to develop a safety plan. See Appendix C.

(3) Options for Employees who are Perpetrators of Domestic Violence:

(a) Contact the EAP program office for confidential consultation and resources.

(b) Contact a batterer's intervention program. See Appendix D.

(4) Options for Employees who are Concerned about Domestic Violence:

(a) If an employee knows or believes that a co-worker is a victim of domestic violence, communicate with him or her about your concerns for their safety. Be clear that your concern is to help and not to judge.

(b) Refer the employee to HR, or the EAP for assistance. See Appendix D for other resources.

(c) Employees should report any incidents of actual or suspected threats of violence that is experienced or witnessed to the supervisor, HR, and/or Security, as appropriate.

2-2. Domestic Violence Incident Response Team(s). The purpose of a response team is to deal with the immediate consequences/ramifications of an actual or potential incident involving a domestic violence situation which may impact the workplace. The GSA Central Office and regional office locations shall be responsible for assessing potential or actual incidents within their respective geographical locations. Each multi-disciplinary Domestic Violence Incident Response Team must be trained on addressing the needs of victims of domestic violence. They should include representatives from the security, human resources, employee assistance, and other appropriate offices such as legal, or the local facility office. Taking into consideration the confidentiality section of this policy, GSA personnel, including human resources and/or security staff, who identify a situation may consider contacting the members of the team so that a plan can be developed and implemented in collaboration with the victim. Domestic violence situations do not always need to be escalated to the incident response team level. In many instances, a victim can effectively handle the situation with his or her supervisor.

The team, at a minimum, will be tasked with developing recommendations for the specific threat reported to the team and work with the victim and management to implement the safety plan. The victim's own assessment of the level of threat must always be respected and factored into this process. Subject to any applicable legal restrictions (including but not limited to the Privacy Act), the victim should have access to the records of any response team discussions regarding him or her. The team will be required to provide annual reporting data as outlined in Appendix B for monitoring the effectiveness of these procedures.

2-3. Workplace flexibilities options. At times an employee may need to be absent from work due to family violence, and the length of time should be determined by the individual's situation. This time period shall be determined through collaboration with the employee, supervisor/manager, HR, [and a union representative, where the employee is represented]. Employees, supervisors, and managers are encouraged to first explore

options which will help the employee cope with a family violence situation without having to take a formal unpaid leave of absence.

Telework and flexible work hours may be helpful so that the employee can handle legal matters, court appearances, housing and childcare while still being able to attend work. Consider leave options, especially if requests are for relatively short periods.

a. Scheduling options.

(1) Telework. GSA encourages the permission of a telework-ready employee to work from an alternative site if the employee (or a family member for whom the employee is caring) is experiencing problems associated with domestic violence. Telework promotes continuity of operations without risking the safety of the employee's co-workers. An employee must follow the GSA telework policy for requesting leave and work scheduling changes when teleworking.

(2) Flexible work schedules. An employee on an approved flexible work schedule may seek to or adjust his or her work schedule, such as reporting times and hours, to accommodate events driven by domestic violence in accordance with GSA internal policies and collective bargaining agreements.

b. Leave options:

(1) Annual leave. This type of leave may be used for, but is not limited to, time off for court proceedings and to meet with lawyers, victims' advocates, law enforcement officers, or to attend support group meetings. Annual leave can also be used in lieu of sick leave for illnesses or injuries as a result of domestic violence for the employee to go to a safe place. An employee has a right to take annual leave, the timing of which would be subject to supervisory approval.

(2) Sick leave. An employee may use sick leave, consistent with current law and regulation for granting and using sick leave. Sick leave may be used for injuries resulting from domestic violence, to meet with medical providers, for counseling by a healthcare provider, to care for a family member with injuries or a "serious health condition" resulting from domestic violence, or to accompany a family member when he or she meets with medical providers for injuries or illnesses resulting from domestic violence.

(3) Advanced annual leave. At the discretion of the supervisor, advanced annual leave may be approved for an employee in an amount not to exceed the amount the employee would accrue in the remainder of the leave year.

(4) Advanced sick leave. Upon exhaustion of sick leave, an employee may request advanced sick leave for the purposes stated above. At the discretion of the supervisor, up to 13 days of sick leave may be advanced for the employee's own or for a family member's medical, dental, or optical examinations or treatment, or to care for a family member who is incapacitated by a medical or mental condition. If the employee is incapacitated for the performance of his or her duties or if a family member's injury rises to the level of a "serious health condition," an agency may advance up to 30 days of sick leave to the employee.

(5) Excused absence (administrative leave). GSA has discretion to excuse employees from their duties without loss of pay or charge to leave. Excused absence may be granted for brief periods when it is determined to be in the interest of GSA and should be limited to those situations in which the excused absence is not prohibited by GSA policy or other applicable regulations. The granting of excused absence related to domestic violence should be limited to those situations in which the employee's perpetrator poses a threat to the employee and/or his or her co-workers in the workplace. Excused absence should be used in very limited circumstances.

(6) Voluntary leave transfer. An employee is eligible to apply for donated annual leave if the domestic violence results in a medical emergency for either the employee or the employee's family member that is likely to require the employee to be absent from duty for a prolonged period and to result in a substantial loss of income because of the employee's lack of available paid leave.

c. Additional flexibilities (paid status).

(1) Credit hours. Credit hours can be earned and used only by employees who are governed by a flexible work schedule that provides for credit hours. An employee who works under a flexible work schedule that permits credit hours may request to work in excess of his or her basic work requirement (e.g., 80 hours in a pay period for a full-time employee) so as to vary the length of a workweek or workday. The accrual of credit hours must be approved by the supervisor and at no time can there be more than 24 hours of accrued credit hours.

(2) Compensatory time off. Under certain circumstances, employees can earn compensatory time off in lieu of overtime pay in exchange for performing an equal amount of time in irregular or occasional overtime work. Compensatory time off that an employee has accrued may be used upon an employee's request to deal with issues related to domestic violence.

(3) Compensatory time off for travel. Employees earn this type of compensatory time off for time spent in a travel status away from the employee's official duty station when such time is not otherwise compensated. Compensatory time off for travel that an employee has accrued may be used upon an employee's request to deal with issues related to domestic violence.

d. Unpaid flexibilities.

(1) Leave Without Pay (LWOP). An employee may be granted LWOP if other forms of paid leave are unavailable. Supervisors are encouraged, whenever possible, to approve requests for LWOP for reasons related to domestic violence. Employees may be entitled to up to 12 weeks of leave without pay under the Family Medical and Leave Act (FMLA) described below.

(2) Family and Medical Leave Act (FMLA). An employee is entitled to up to 12 weeks of unpaid under FMLA if domestic violence results in a serious health condition for the employee that makes the employee unable to perform the essential functions of his or her position. FMLA leave can also be used to care for a spouse, son or daughter (under 18 or over 18 but incapable of self-care because of a mental or physical disability), or parent of the employee with a serious health condition as a result of domestic violence. Annual leave, sick leave, and annual leave donated under the Voluntary Leave Transfer Program may be substituted for unpaid leave under FMLA.

2-4. Additional policies and programs. The following programs provide for relief for specific situations and/or needs that may arise from domestic violence.

a. Office of Workers Compensation (OWCP). Federal employees who suffer on-the-job injuries resulting from personal disputes are typically judged compensable, no matter how unusual. An employee's injury is covered under workers' compensation only if the dispute leading to the injury is related to the employment. In other words, the employee must have been acting within the scope of his or her job when the injury occurred for the injury to be compensable.

If a domestic violence victim is injured while acting within the scope of duties, then the injuries could be covered under workers' compensation laws. Injured workers should fill out a Form CA-1, notice and claim, within 30 days of the injury. The claim must be filed within three years from the time the worker realized the injury was caused or aggravated by employment.

b. Occupational Safety and Health Act (OSHA). The Occupational Safety and Health Administration (OSHA), under the U.S. Department of Labor, establish standards

for maintaining safe work environments. The standards require that each employer furnish to each of its employees, a place of employment that is free from recognized hazards that are causing or are likely to cause death or serious physical harm commonly referred to as “general duty clause”.

A domestic violence victim who fears for safety at work because of threats by a perpetrator may choose to report this as a workplace hazard to GSA. GSA will address the safety concern promptly and completely. Employees are protected from discrimination or dismissal related to the complaint.

c. The Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA).

The Rehabilitation Act and the ADA are relevant to the issue of domestic violence. The Rehabilitation Act requires employers to provide reasonable accommodation requested for an actual disability or a “record of” a disability. An actual disability is a physical or mental impairment that substantially limits one or more major life activities (which include major bodily functions). A “record of” a disability is a past history of a substantially limiting impairment. A reasonable accommodation is a change in the workplace or in the way things are usually done that an individual needs because of a disability and may include time off for treatment, modified work schedules, and reassignment to a vacant position.

Certain mental or physical injuries caused by domestic violence may be covered by the ADA, including post-traumatic stress disorder and back and neck injuries. Domestic violence victims may be entitled to reasonable accommodation, such as a modified work schedule or transfer to another work site. GSA will work with individual victims to determine if reasonable accommodation is appropriate, and devise a plan that protects employees while allowing the victim to fully carry out job functions.

2-5. Disciplinary, performance actions and legal implications.

a. Disciplinary procedures for employees who commit acts or threats of domestic violence.

(1) GSA is committed to providing a workplace in which the perpetration of domestic violence is neither tolerated nor excused. Any assault or physical battery made by an employee while on any premises owned or leased by GSA, during working hours, or at an GSA sponsored event, is a serious violation of this policy. This policy applies not only to acts against other GSA employees, but to acts against all other persons, including intimate partners that may occur outside the workplace but have an impact on the workplace.

(2) GSA employees found to have violated this policy will be subject to corrective or disciplinary action, up to and including removal. A management official, after consultation with HR and/or OGC, may take any appropriate corrective or disciplinary action consistent with GSA's policies and procedures for maintaining discipline. This applies to employees who commit acts of domestic violence at GSA's worksites and to those who commit acts of domestic violence outside the workplace if there is a nexus between such acts and the efficiency of the federal service, such as when such acts affect the work performance of the employee or affect the normal operation of GSA's mission.

b. Procedures for employees with performance and conduct issues related to domestic violence.

(1) While management retains the right to discipline employees for cause, GSA recognizes that victims of domestic violence may have performance or conduct problems including, but not limited to, chronic absenteeism or an inability to concentrate as a result of the violence. When an employee subject to discipline confides that the job performance or conduct problem is caused by domestic violence, a referral for EAP, and other appropriate assistance should be offered to the employee.

(2) The supervisor, in collaboration with the employee, a HR representative, the EAP, and a union representative, where the employee is represented should allow a reasonable amount of time for the employee to obtain assistance regarding the domestic violence. Supervisors should be mindful that the effects of domestic violence can be severe and may take extended periods of time to address fully.

(3) Supervisors and HR staff should be alert to the possibility that a victim of domestic violence may experience conditions which could qualify as a disability requiring a reasonable accommodation as described above in Chapter 2, paragraph 4.c., consistent with GSA's policies and procedures for evaluating requests for reasonable accommodation.

2-6. Situations involving contractors. The GSA workplace also includes contractor employees of vendors. Such personnel are not Federal employees. Concerns regarding the conduct of contractors promptly should be brought to the attention of the relevant contracting officer or contracting officer's technical representative and/or GSA's security personnel or law enforcement. If a contractor is a victim of domestic violence, the supervisor should consult security personnel as necessary to enhance the safety of the workplace for the contractor.

2-7. Workplace awareness and training. Training for all GSA employees is an important part of responding to domestic violence in the workplace. Every employee will be required to complete mandatory training. The OMA, OCPO and OGC will be responsible for collaborating to deliver annual training as appropriate. Additionally, regional office locations are encouraged to offer site specific training sessions. Training sessions conducted by the EAP, security, and employee relations staff are particularly helpful, enabling employees to get to know experts within their facility or site who can

help them when potentially crisis and/or violent situations arise. Employees and supervisors seek assistance at a much earlier stage when they personally know who can provide assistance. Providing appropriate training assures employees that management will take the affects of domestic violence seriously, encourages employees to report incidents, and demonstrates management's commitment to deal with reported concerns and/or incidents. The training, at a minimum, will provide the following:

- a. An overview of the various aspects of domestic violence;
- b. Impact, symptoms, and behaviors often associated with victims and perpetrators;
- c. Building security overview;
- d. Policies and procedures related to domestic violence;
- e. Reporting requirements and processes;
- f. Information regarding agency and community resources;
- g. Training to improve GSA response and increase awareness of responding to concerns related domestic violence;
- h. Skills in behaving compassionately and supportively towards employees who report concerns and/or incidents;
- i. Basic skills in handling crisis situations; and
- j. Basic emergency procedures.

2-8. Addressing computer technology concerns. In consultation with the victim, GSA's security staff should coordinate with their local computer technology personnel to address victim safety concerns. These concerns include the alleged perpetrator's use of computer technology to harass or stalk a victim, as well as using information on the GSA's website about the victim that could potentially be used to harm the victim. As appropriate, the above-described workplace safety plan should address these concerns, including removing personal identifying information, such as the victim's telephone number and office location, from GSA's public websites.

2-9. Employee Assistance Program. GSA offers a confidential Employee Assistance Program (EAP) through the Department of Health and Human Services (HHS), Federal Occupational Health (FOH). FOH's EAP has trained counselors who can address a broad and complex body of issues affecting mental and emotional well-being, such as alcohol and other substance abuse, stress, grief, family problems, financial and

psychological disorders. GSA employees can use these counselors as a way to assess whether a situation needs to be brought to the attention of management. Management can also use them to strategize ways to deal with uncomfortable or threatening situations. Professional counselors are available to discuss problems that can adversely affect job performance and conduct. Additionally, EAP counselors are required to help employees deal with alcoholism or drug abuse problems, but often refer employees to other professional services such as trauma-informed care, and resources within the community for further information, assistance, or long-term counseling.

Confidentiality is an important issue for EAP. Employees who seek EAP services are afforded considerable privacy by the laws, policies, and professional ethics of EAP providers. It is a common practice for the EAP to inform employees in writing about the limits of confidentiality at the first meeting. For more information, you may contact the Federal Health Occupational Health (FOH), EAP at 1-800-222-0364, (TTY 1-888-262-7848), or go to www.FOH4YOU.com.

2-10. Building safety and security. Maintaining a secure and physically safe workplace is part of any good strategy for preventing workplace violence of any kind. GSA uses a variety of security measures to help ensure safety. The measures used depend on the resources available in the area or worksite. These may include:

a. The Department of Homeland Security's Federal Protective Service (FPS) which is the law enforcement authority for most Federal facilities where GSA employees are housed. For more FPS location information, visit www.dhs.gov.

b. The local Office of Security for the respective facility has the responsibility for daily security operations. Daily security functions may or may not be performed by a contract security force. The contract security forces (via written post orders) are instructed to follow these orders if an incident occurs. In facilities where a contract security force is present, the officers have the authority to detain any individual(s) involved in an incident until notification of, and response by FPS Officers.

c. For a facility where no FPS or contract security force is present, the responsibility is that of local law enforcement in accordance with the applicable jurisdiction.

2-11. Monitoring and evaluating. OCPO will be responsible for prescribing the procedures for monitoring this policy and its application for consistency on an annual basis as outlined in Appendix B. For those responsible for implementing these procedures, including incident reporting, it is important to maintain information on both the quality of security responses and the actions taken. It is crucial that detailed records

relevant to domestic violence incidents be kept in a properly secured, confidential file and only shared, as necessary, with appropriate personnel, such as those in HR, security and management roles.

Appendix A. Glossary of Terms

Terms	Definitions
Cultural Competence	A set of congruent behaviors, attitudes, and policies that come together in a system, agency, or among professionals that enable effective work in cross-cultural situations. "Culture" refers to integrated patterns of human behavior that include the language, thoughts, communications, actions, customs, beliefs, values, and institutions of racial, ethnic, religious, or social groups. "Competence" implies having the capacity to function effectively as an individual or an organization within the context of the cultural beliefs, behaviors, and needs presented by consumers and their communities.
Domestic Violence (DV)	A pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.
Domestic Violence Incident Response Team (IRT)	A regional or central office, interdisciplinary committee/team whose primary charge is to develop an effective, confidential, and accessible way for employees to report domestic violence incidents or concerns.
Employee	An employee is a person employed by the General Services Administration as defined in 5 U.S.C. Section 105. This does not include employees of private contractors hired by the agencies.
Employer	This is the General Services Administration as defined in 5 U.S.C. Section 105.
Perpetrator	An individual who commits or threatens to commit an act of domestic violence, sexual assault, and/or stalking.
Protection or Restraining Order	Victims may obtain a protection order, sometimes called a restraining order, a stay-away order, or a peace order, from a court to protect them from a perpetrator. Such an order also may establish custody and visitation guidelines and provide for forms of economic security, like child support, rent or mortgage payments, which last for the duration of the order. Protection orders may also be issued in criminal cases as condition of probation or condition of release, particularly in a domestic violence, sexual assault, or stalking related crime.
Sexual Assault	Sexual assault refers to a range of behaviors, including but not limited to, a completed nonconsensual sex act (e.g., rape, sodomy, and child molestation), an attempted nonconsensual sex act, and/or abusive sexual contact. Sexual assault includes any sexual act or behavior that is perpetrated when someone does not or cannot consent. A victim of sexual assault may know the perpetrator, such as a co-worker or a supervisor, and/or may be involved in a dating or marital relationship with the perpetrator, or the perpetrator may be unknown to the victim. Lack of consent should be inferred when a perpetrator uses force, harassment, threat of force, threat of adverse personnel or disciplinary action, or other coercion, or when the victim is asleep, incapacitated, unconscious, or physically or legally incapable of consent.
Sexual Harassment	Title VII of the Civil Rights Act of 1964 refers to unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an

	individual's work performance, or creates an intimidating, hostile, or offensive work environment. Sexual assault is a form of sexual harassment prohibited by Title VII, but most sexual harassment does not rise to the level of sexual assault. This Guidance only addresses sexual assault. <i>For sexual harassment that does not rise to the level of sexual assault, please follow the sexual harassment policy, ADM 2325.5 (General Services Administration policy statement on harassment, including sexual harassment and sexual misconduct).</i>
Stalking	Refers to harassing, unwanted, or threatening conduct that causes the victim to fear for his or her safety or the safety of a family member. Stalking conduct may include, but is not limited to, following, spying on, or waiting for the victim in places such as home, school, work, or recreation place; leaving unwanted items, presents or flowers for the victim; making direct or indirect threats to harm the victim, the victim's children, relatives, friends, pets, or property; posting information or spreading rumors about the victim on the internet, in a public place, or by word of mouth; obtaining personal information about the victim by accessing public records, using internet search services, hiring private investigators, going through the victim's garbage, following the victim, or contacting victim's friends, family, work, or neighbors. Stalking may occur through use of technology, including but not limited to, email, telephone, voicemail, text messaging, and use of GPS and social networking sites.
Trauma-Informed Care	This type of care is an approach to engaging people with histories of trauma that recognizes the presence of trauma symptoms and acknowledges the role that trauma has played in their lives.
Victim	For the purposes of this policy, the term victim means an employee who is currently subject to, or has been the subject to, or discloses information related to, incidents or concerns related to domestic violence, sexual assault, or stalking for him or herself. A victim may know the perpetrator, such as a co-worker or supervisor, and/or may be involved in a dating or marital relationship with perpetrator, or the perpetrator may be unknown to the victim.
Workplace	An employee's official duty station or alternative work location that is associated with the employee's established tour of duty (working hours). The employee is considered to be in the workplace while in or utilizing the resources of the employer. The availability and character of an agency response to a workplace-related incident may be dependent upon the location at issue.
Workplace-related Incidents	Workplace-related incidents of domestic violence, sexual assault, and stalking includes acts, attempted acts, or threatened acts by or against employees, and/or against employees' families or property, that occur in the workplace or that occur outside the workplace but have an impact on the workplace.
Workplace Safety Plan	A workplace safety plan is a strategy developed in collaboration with a victim to implement workplace safety options, including but not limited to, handling of court protection orders, procedures for alerting security personnel, temporary or permanent adjustments to work schedules or locations, changes in parking spots, and requests for escorts to and from workplace facilities.

Appendix B. Annual Review Checklist

The following checklist outlines the information that will be collected to monitor the effectiveness of strategic responses to domestic violence in the workplace.

1. Number of employees and managers receiving training or educational information on domestic and sexual violence (including sexual harassment).
2. Number of employees requesting information, referrals or time off for needs relating to domestic violence.
3. Number of Orders of Protection or restraining orders given to management by employees or taken out by the employer in consultation with employee.
4. Number and/or percentage of employees requesting help for domestic violence through EAP services.
5. Records of threat assessment and violence prevention actions related to domestic violence, specifically plans made to respond to domestic violence threats and/or prevent incidents of sexual harassment and violence.
6. Incident reports of any violent events that involved employees or others at work.
7. Changes to policies or procedures that were implemented during the last year.

Appendix C. Components of a Workplace Safety Plan for Victims of Domestic Violence

1. Consider obtaining a civil order for protection and make sure that it is current and on hand at all times. Include the workplace on the order. A copy should be provided to the police, immediate supervisor, Human Resources, General Counsel, and Security if the abusive partner may come to the work site. Ask co-workers and/or supervisors to call the police if the perpetrator threatens, or harasses you at work including violating the civil protection order in any way.
2. Consider providing a picture of the perpetrator to reception areas and/or security.
3. Consider identifying an emergency contact person should the employer be unable to contact you.
4. Review the safety of parking arrangements.
5. Consider being escorted by Security to and from your car or public transportation and/or obtaining special parking access.
6. Consider requesting a change and/or unpredictable rotations of your work schedule, work site, or work assignment if such a change is possible and would enhance your safety at work.
7. Consider having your telephone calls screened at work.
8. Consider requesting additional security measures at the work site. It may be possible to post security near your work site, install security cameras or silent alarms at your worksite, relocate your workstation to a more secure area, or provide you with a cellular phone for emergency use at work.
9. Review the safety of childcare arrangements. If you have a protective order, make sure the provider has a copy.

Appendix D. Resources Listing

Domestic Violence, Sexual Assault, and Stalking

National Domestic Violence Hotline

Provides toll-free, live phone response and crisis intervention to callers 24 hours a day, 365 days a year, offering information and referrals across all U.S. states and territories.

P.O. Box 161810

Austin, TX 78716

Phone: 800-799-SAFE (7233) or 800-787-3224 (TTY)

Fax: 512-453-8541

Website: www.ndvh.org

National Center on Domestic and Sexual Violence

The National Center on Domestic and Sexual Violence provides training, consulting and advocacy. The National Center collaborates with law enforcement, legal system agencies, advocacy organizations, social service agencies, the military and other community entities to integrate their efforts to end domestic and sexual violence.

4612 Shoal Creek Boulevard

Austin, Texas 78756

Phone: 512-407-9020

Website: <http://www.ncdsv.org/>

National Coalition Against Domestic Violence

A national organization focused on coalition building, policy and public education, at the local, state, regional and national levels, whose website includes a list of all state domestic violence coalitions.

P.O. Box 18749

Denver, CO 80218

Phone: 303-839-1852

Fax: 303-831-9251

Website: www.ncadv.org

National Network to End Domestic Violence

A social change organization representing state domestic violence coalitions which is dedicated to creating a social, political and economic environment in which violence against women no longer exists.

660 Pennsylvania Avenue, SE, Suite 303

Washington, DC 20003

Phone: 202-543-5566

Fax: 202-543-5626

Website: www.nnedv.org

National Resource Center on Domestic Violence

Provides domestic violence prevention support to organizations and individuals through technical assistance, training and information.

6400 Flank Drive, Suite 1300

Harrisburg, PA 17112

Phone: 800-537-2238

Fax: 717-545-9546

Website: www.nrcdv.org

The National Center for Victims of Crime

The National Center for Victims of Crime is the nation's leading resource and advocacy organization for crime victims and those who serve them. The mission of the National Center for Victims of Crime is to forge a national commitment to help victims of crime rebuild their lives.

2000 M Street NW, Suite 480

Washington, DC 20036

Phone: 202-467-8700

Fax: 202-467-8701

Email: gethelp@ncvc.org

Website: <http://www.ncvc.org/>

National Sexual Violence Resource Center

The National Sexual Violence Resource Center serves as the nation's principle information and resource center regarding all aspects of sexual violence. It provides national leadership, consultation and technical assistance by generating and facilitating the development and flow of information on sexual violence intervention and prevention strategies. The NSVRC works to address the causes and impact of sexual violence through collaboration, prevention efforts and the distribution of resources.

Phone: 717-909-0710

Website: <http://www.nsvrc.org>

The National Center on Protection Orders and Full Faith and Credit, Battered Women's Justice Project

The Protection Orders/Full Faith and Credit Office provides ongoing technical assistance and training on full faith and credit, federal firearms prohibitions related specifically to domestic violence, federal domestic violence and stalking crimes, and inter-jurisdictional child custody cases involving domestic violence.

Audiences include law enforcement officers, prosecutors, judges, court administrators and other court personnel, civil attorneys, victim advocates, and others who work with victims of domestic violence and stalking.

1901 North Fort Myer Drive, Suite 1011

Arlington, VA 22209

Phone: 800-903-0111, ext. 2

Fax: 703-312-7966

Website: www.fullfaithandcredit.org

Stalking Resource Center, National Center for Victims of Crime

The mission of the Stalking Resource Center is to enhance the ability of professionals, organizations, and systems to effectively respond to stalking. The Stalking Resource Center provides training, technical assistance, and resource materials for professionals working with and responding to stalking.

Phone number: 202-467-8700

Fax number: 202-467-8701

Website: www.victimsofcrime.org/src

www.stalkingawarenessmonth.org

Email: src@ncvc.org

Government Online Resources

Federal Bureau of Investigation

[Violence in the Workplace: Preventing It, Managing It](#)

U.S. Department of Justice, Office of Justice Programs

[Violence Against Women Office: Resources for Victims and Communities, Law and Regulations](#)

U.S. Department of Labor, Occupational Safety & Health Administration (OSHA)

Workplace violence prevention information at www.osha.gov/SLTC/workplaceviolence/

Note: This resource listing is not all inclusive, and intended to provide information to the reader of this document for informational purposes. For non-government providers, the inclusion of the resource does not constitute the ranking, endorsing, or promoting of such organizations by the General Services Administration. This resource listing is subject to change.